

BONNEVILLE COUNTY

RESOLUTION NO. 08-03

A RESOLUTION, BY AUTHORIZATION OF THE BOARD OF COUNTY COMMISSIONERS, IN ACCORDANCE WITH BONNEVILLE COUNTY ORDINANCE NO. 176-96 SNOWMOBILE TRAILS AND ROAD CLOSURE

WHEREAS, the Board of County Commissioners of Bonneville County, Idaho, a political subdivision of the state of Idaho, passed an ordinance on February 23, 1996, for the purpose of providing for the appropriate maintenance of roadways within Bonneville County as permitted under the general powers of the Board of County Commissioners as provided by Idaho law, IC 31: 7, 8, and 43 and IC 67:7109, for the purpose of providing for certain areas for designated snowmobile trails and to provide for the closure of certain roadways at certain times of the year to promote the health, safety, welfare, safe recreational areas for the public, and to permit the maintenance of the public roadway systems within Bonneville County and to control the cost of maintaining the public roadway systems within Bonneville County; and

WHEREAS, the Board of County Commissioners hereby designates certain roadways as snowmobile trails and multi-use roads and/or road closure areas within Bonneville County; and

WHEREAS, the Board of County Commissioners does designate the nature and the extent of the "closure" during which vehicles may not operate upon designated roadways and upon which no one shall be permitted to plow said road closure designation;

NOW, THEREFORE, BE IT RESOLVED that we, as the Board of Bonneville County Commissioners, do herewith designate the snowmobile trails and road closure designation as attached hereto as Commissioners' Exhibit "A" (Bonneville and Bingham Counties Snowmobile Trail System Map).

Dated this 22nd day of September, 2008

BONNEVILLE COUNTY BOARD OF COMMISSIONERS



Roger S. Christensen, Chairman



Lee Staker, Member



Dave Radford, Member

ATTEST:


Ronald Longmore
Bonneville County Clerk to the Board of Commissioners

ORDINANCE NO. 176-96

SNOWMOBILE TRAIL AND ROAD CLOSURE ORDINANCE

SECTION:

- 1.1: Definitions
- 2.1: Roadway Designation
- 3.1: Road Closure
- 4.1: Violations
- 5.1: Penalties
- 6.1: Civil and Criminal Remedies
- 7.1: Injunctive Relief
- 8.1: Effective Date

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF BONNEVILLE COUNTY, IDAHO, a political subdivision of the State of Idaho, that this Snowmobile Trail and Road Closure Ordinance be enacted for the purpose of providing for the appropriate maintenance of roadways within Bonneville County, Idaho as permitted under the general powers of the Board of County Commissioners as provided for by Idaho Code Title 31, Chapters 7 and 8; and as permitted in the Recreation District Law, Idaho Code Title 31, Chapter 43; and Idaho Code Title 67-7109, and for the purpose of providing for certain areas for designated snowmobile trails and to provide for the closure of certain roadways at certain times of the year to promote the health, safety, welfare, safe recreational areas for the public, and to permit the maintenance of the public roadway systems within Bonneville County, Idaho and to control the cost of maintaining the public roadway systems within Bonneville County, Idaho.

Section 1.1: DEFINITIONS:

"Public Roadway" means any portions of any highway or road used for vehicular travel, whether possessing pavement or not which is controlled by an authority other than the Idaho Transportation Department.

"Designated Roadway" shall mean those roadways specifically designated by the Board of County Commissioners for closure.

"Closure" shall be defined as that period of time designated by the Board of County Commissioners in which roads may be closed to public access or limited access. "Closure" shall mean the prohibition of any person from plowing and/or using said roadway for vehicular purposes or any other purpose designated by the Board of County Commissioners.

"Vehicular" shall mean motor vehicle and every vehicle, other than a snowmobile, which is self-propelled and every vehicle which is propelled by electrical power or operated from overhead trolley wires but not operated upon rails, except vehicles moving slowly by human power and motorized wheelchairs, including every device in which or by which any person or property is or may be transported or drawn upon a highway, except devices used exclusively upon stationary rails or tracks.

"Dog Sled" shall mean any devise or sled drawn by any animal including dogs.

"Snowmobile" shall mean any self-propelled vehicle under one thousand (1,000) pounds unladen gross weight, designed primarily for travel on snow or ice over natural terrain, which may be steered by tracks, skis, or runners, and which is not otherwise registered or licensed under the laws of the state of Idaho.

Section 2.1. ROADWAY DESIGNATION: The Board of County Commissioners of Bonneville County shall, prior to October 1 of each year, by resolution, designate those roadways which shall be designated as snowmobile trails and/or road closure areas within Bonneville County. The Board of County Commissioners shall prior to October 1 of each year, designate the nature and the extent of the "closure" during which vehicles may not operate upon designated roadways and upon which no one shall be permitted to plow said roadways within Bonneville County for the next one (1) year. The snowmobile trails and road closure designation for the period of October 1, 1996 through September 30, 1997 is attached hereto as Exhibit "A".

Section 3.1: ROAD CLOSURE: Inasmuch as certain roadways within Bonneville County receive sufficient snowfall that it is impractical for the County to maintain said roadways during heavy snowfall periods; and inasmuch as the County has the duty to maintain said roadways and to secure the roadway system within Bonneville County; and inasmuch as the cost and feasibility are not within reasonable demands of Bonneville County, necessitating the closure of certain roadways; and because of the need to safeguard the public from operating vehicles, dog sleds and cross country skiing in areas which would result in injury to snowmobile trails and in areas where public assistance and emergency care would be difficult to provide; and because said roadways may become non-navigable because of snowfall in very short periods of time; and because said roadways may be valuable for the use by snowmobiles; the Bonneville County Commission shall, by resolution and by posting notice of said resolution at the Board of Commissioners office in Bonneville County, have the right to close both designated roadways and such roadways as designated in Section 2.1 above and such additional roadways as the County Commissioners shall, in their sole discretion, deem necessary upon resolution of a majority of the Board and upon notice being posted by notice at the Bonneville County Courthouse and at the roadway at least 24 hours prior to said roadway closure. Said resolution shall designate the description of the roadway and the date and time when the road shall be closed to vehicles. The 24-hour notice shall be applicable regardless of the day of the week on which said notice is posted. Said notice

shall reference the resolution of the Board of County Commissioners and shall designate that anyone violating the road closure may be issued a citation for said violation.

Section 4.1: VIOLATIONS: It shall be a violation of this Ordinance for any individual to operate a motor vehicle upon the designated roadways within Bonneville County at such times as said roadways have been closed by the Bonneville County Commission. The owner of any vehicle operated upon any closed road within Bonneville County during the closure period shall be guilty of an infraction violation as defined by Idaho Code. It shall further be a violation for any one to use said closed roadways for dog sled or cross country skiing use.

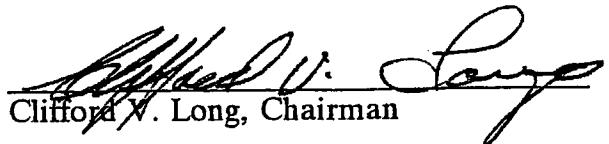
Section 5.1: PENALTIES: Any operator of a vehicle, dog sled, or cross country skiing, violating any provision of this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be punished as provided under the definition of a misdemeanor and misdemeanor convictions in Idaho Code. The owner of any vehicle operated upon any closed road in violation of any provision of this Ordinance shall be guilty of an infraction, and upon conviction thereof, shall be punished as provided under the definition of an infraction in Idaho Code.

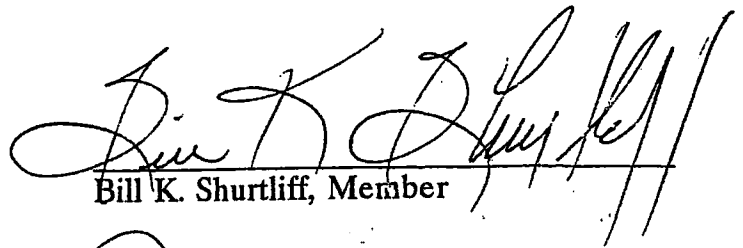
Section 6.1: CIVIL AND CRIMINAL PENALTIES: The prosecution of any civil remedy in this Ordinance set forth shall not bar the prosecution of any criminal proceeding herein provided. Further, the prosecution of any criminal proceeding shall not bar the prosecution of any civil remedy herein provided.

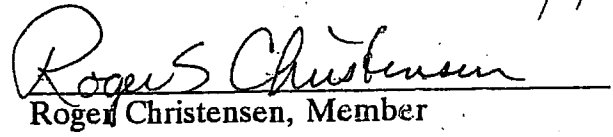
Section 7.1: INJUNCTIVE RELIEF: The Bonneville County Commission, by and through the Prosecuting Attorney's Office, shall be authorized upon the determination of anyone in violation of said Ordinance to immediately apply for injunctive relief with any Court of competent jurisdiction which said injunctive relief should be granted for the purpose of providing for the enforcement of this Ordinance.

Section 8.1: EFFECTIVE DATE: The above ordinance shall be in full force and effect upon its passage and publication.

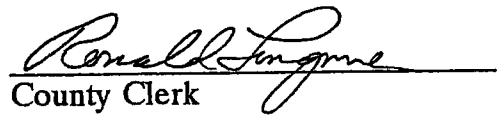
IT IS SO ENACTED THIS 23rd DAY OF February, 1996.


Clifford V. Long, Chairman


Bill K. Shurtliff, Member


Roger Christensen, Member

ATTESTED BY:


County Clerk

Date of signature by the Commissioners and Clerk: _____

Published: 2/27/96 (Summary)

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